

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 2 CCL Transitional Housing Placement Program

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held November 12, 2003, as follows:

November 12, 2003
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on November 12, 2003.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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CHAPTERS

Chapter 7 (Transitional Housing Placement Program), Article 1. (General Requirements), Section 86000 (GENERAL), Section 86001 (Definitions), Section 86005 (License Required), Section 86009 (Availability of License), Section 86010 (Limitations on Capacity and Ambulatory Status); Article 3. (Application Procedures), Section 86018 (Application for Licensure), Section 86020 (Fire Clearance), Section 86022 (Plan of Operation), Section 86023 (Plan of Operation), Section 86024 (Department Approval for Remote Site Model), Section 86028 (Capacity Determination), Section 86030.5 (Identification of Transitional Housing Placement Program Participant Living Units), Section 86031.5 (Notification), Section 86036 (Application Processing and Annual License Fees); Article 4. (Administrative Actions), Section 86044 (Inspection Authority of the Licensing Agency), Section 86044.5 (Decertification Authority of the Licensing Agency), Section 86045 (Evaluation Visits); Article 5. (Enforcement Provisions) [Reserved]; Article 6. (Continuing Requirements), Section 86061 (Reporting Requirements), Section 86064 (Administrator Qualifications and Duties), Section 86065 (Personnel Requirements), Section 86065.2 (Social Work Supervisor), Section 86065.3 (Social Work Personnel), Section 86065.4 (Social Work Supervisor/Social Worker Ratio), Section 86065.5 (Social Worker Ratios), Section 86066 (Personnel Records), Section 86068.1 (Intake Procedures), Section 86068.2 (Needs and Services and Transitional Independent Living Plan (TILP), Section 86068.3 (Modifications to Needs and Services and Transitional Independent Living Plans), Section 86068.4 (Removal and/or Discharge Procedures), Section 86070 (Participant Records), Section 86072 (Personal Rights), Section 86073 (Telephone Service), Section 86074 (Transportation), Section 86075 (Health Related Services), Section 86078 (Responsibility for Providing Care and Supervision); and Article 7. (Physical Environment), Section 86087 (Buildings and Grounds), Section 86087.1 (Administrative Office/Sub-Administrative Offices), and Section 86088 (Fixtures, Furniture, Equipment and Supplies).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Every year hundreds of foster care and group home youths, including probation youths are emancipated from the foster care system. Emancipation refers to the release of teenagers from the control of the juvenile court system and the care of the county social services agencies. At 18 years of age the law requires them to leave the system because they are no longer the responsibility of the state or county, and are expected to fend for themselves.

For some foster teenagers, the transition is relatively smooth. However, for the majority it is very difficult. Confronted with this statewide dilemma, in 1993, California authorized a five-year pilot program, pursuant to the passage of AB 1198 (Chapter 799 of Statutes of 1993), which created Transitional Housing Placement Programs (THPP), whose purpose was to assist youth in transition from foster care to independence by providing the greatest amount of freedom possible while, at the same time, assisting in the preparation of these youth to lead self-sufficient lives.

The passage of AB 1198 created THPPs in 3 counties for youth who were currently participating in the Independent Living Program (ILP). In 1998, AB 2774 (Chapter 873, Statutes of 1998) established THPPs as a permanent statewide program to serve youth 17 and 18 years of age. AB 427 (Chapter 125, Statutes of 2001) expanded the age of youth served in licensed THPPs to persons who are at least 16 years of age and not more than 18 years of age, except as provided in Welfare and Institutions Code Section 11403, and additionally creates a separate, license-exempt, county-optional, certified THPP-Plus program for youth 19 up to 21 years of age.

These proposed THPP emergency regulations implement the provisions of AB 427. The Department of Social Services is directed to adopt emergency regulations to govern licensed transitional housing placement programs. These regulations are written to provide program guidance to THPPs that provide services to foster care and group home youths, including probation youths who are preparing to emancipate, while ensuring that they are subjected to fewer restrictions than those who are younger, in order to successfully prepare these foster care and group home youths, including probation youths for a future of self-sufficiency.

COST ESTIMATE

1. Costs or Savings to State Agencies: The Department has determined no fiscal impact exists because the regulations do not affect any state agency or program.
2. Costs to Local Agencies or School Districts: The Department has determined no fiscal impact exists because the regulations do not affect any local entity or program.
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: The Department has determined no fiscal impact exists because the regulations do not affect any federally funded state agency or program.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Health and Safety Code Sections 1530, 1559.110. Subject regulations implement and make specific Health and Safety Code Sections 1501, 1502, 1503, 1503.5, 1505, 1507, 1508, 1509, 1514, 1520, 1520.11, 1522.42, 1523.1, 1524, 1525.3, 1526.5, 1530, 1531, 1531.2, 1533, 1534, 1538, 1538.4 and .5, 1559.110, 1559.115; and Welfare and Institutions Code Sections 11400, 11401, 11403, 16001.9, 16500, 16522, 16522.1, 16522.5 and .6; Government Code Section 15378; Education Code Section 94301; Vehicle Code Sections 27630 and 27630.5; Section 21 of Assembly Bill 1695 (Chapter 653, Statutes of 2001); Title 42 U.S.C. Sections 675 and 677 of the Social Security Act; and 29 U.S.C. Section 1501 et seq.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

AGENDA ITEM FOR THIS PUBLIC HEARING - November 12, 2003

ITEM #1 ORD #0603-16 Child Care Intercounty Transfers

ITEM #2 ORD #1002-24 CCL Transitional Housing Placement Program